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EXAMINER
SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/923,868	LOGUINOV, DMITRI
	Examiner	Art Unit	
	Chirag G. Shah	2664	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 June 2005_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive. Applicant discloses that amended claims recite, "adjusting a sender rate...according to a first function of the determined bandwidth capacity." Examiner respectfully provides wherein in the reference the limitation is addressed. Gupta discloses in fig. 3 and in col. 11, lines 26-39 that the transmission rate is adjusted according to the feedback data-loss (congestion) responses received, for example, if no/low data-loss (occurs due to no congestion) occurs and an adjustment may be made, to cause the transmission of greater number of packets from a sender to the receiver, this adjustment is based on the determined bandwidth capacity such as monitoring one or more responses from the receivers, see claim 1. Gupta further discloses in col. 11, lines 26-39 that if the packet-loss rate is high (occurs due to congestion), the necessary adjustments need to be made to the transmission rate, so that the packet-loss rate is reduced by reducing the number of packets transmitted being the second function. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Wesley to include the steps of adjusting the sender rate based on the condition of congestion such as packet loss as taught by Gupta in order to achieve optimal data transmission rate and to minimize the failure states associated with an over congested network bandwidth.

Claim Objections

3.　　Claim 40 objected to because of the following informalities:　Claim 40, line 5 includes

"=", which must be removed.　Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.　　Claims 19, 20 and 25 rejected under 35 U.S.C. 102(e) as being anticipated by Wesley

(U.S. Patent No. 6,850,488).

Referring to claim 19, Wesley discloses in claim 1 of a system for providing congestion

control [feedback information from receivers, see claim 1, lines 32-35] in a communications

network by adjusting a sender rate between at least one sender node and destination node [as

disclosed in claim 1, col. 6, lines 33-44], comprising:

means for transmitting a plurality of data transmission from said source node to said

destination node [as disclosed in the abstract and in claim 1, the sender transmits a stream of

packets to the plurality of receivers] as discloses ;

means for determining a bandwidth capacity of said network [as disclosed in col. 3, lines

56-67 and in claim 1, the receivers return feedback messages to sender if any of the receivers

experience congestion while receiving the stream of packets, thus indicating the receiver

determines the bandwidth capacity of the network by sending a feedback to the sender having

information indicating that the capacity of link has been exceeded in the network];

means for generating congestion feedback information based on the determined

bandwidth capacity of said network to determine a congestion state [as disclosed in claim 1 and

in col. 3, lines 56-67, the receivers generates a congestion feedback signal based on the

congestion condition (congestion condition inherently occurs based on determined bandwidth

capacity threshold) and sends the feedback message to the sender if there is congestion at any of

the receivers;] and,

means for adjusting said sender rate at which said source node is currently transmitting

the data based on said congestion feedback information, the adjusted rate being a function of the

determined the bandwidth capacity of said network [Wesley discloses in claim 1, lines 44-45 of

adjusting the rate of transmission for the stream of packets in response to the feedback

information and further discloses in col. 2, lines 8-13 of decreasing the rate of transmission (a

predetermined criteria) if the feedback information indicates that some receivers experienced

congestion while receiving packets; (congestion condition inherently occurs based on determined

bandwidth capacity threshold, which results in a feedback signal, which is used to adjust the rate

establishing that rate adjustment is based on determined bandwidth capacity)] as claim.

Referring to claim 20, Wesley discloses in claim 1 and abstract of further comprising

means (sender) for utilizing said congestion feedback information [congestion feedback

information received from receivers] to determine the congestion state in said network [base on

the feedback, the sender determines how to adjust the rate of transmission for the stream of

packets] as claim.

Referring to claim 25, Wesley discloses in claim 1 wherein the congestion feedback

information is provided by at least one of the source node and the destination node [congestion

feedback is provided by the destination receiver node as in claim 1].

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

7.   Claims 1-3, 5, 8-10, 14-16, 21-23, 26-28, 30, 33-34, 36-37 and 40 rejected under 35

U.S.C. 103(a) as being unpatentable over Wesley et al. (U.S. Patent No. 6,850,488), hereinafter

Wesley in view of Gupta et al. (U.S. Patent No. 6,577,599), hereinafter Gupta.

Referring to claims 1 and 26, Wesley discloses in claim 1 and the abstract of a method

and a system for providing congestion control [feedback information from receivers, see claim 1,

lines 32-35] in a communications network by adjusting the sender rate between a sender node

and a destination node [as disclosed in claim 1, col. 6, lines 33-44], comprising:

a memory [cache 130 of figure 1] for storing a computer-readable code [as disclosed in

col. 3, lines 3-6, data structures and code are typically stored on a computer readable storage

medium]; and,

a processor operatively coupled to the memory [as disclosed in figure 1 and in col. 3, lines 26-35, a sender 102 can be based on any type of computer system, including , but not limited to , a computer system based on a microprocessor etc., the cache is coupled to the processor], the processor configured having the method comprising the steps of:

(a) transmitting a plurality of serial data transmission from a source node to a destination node [as in claim 1 and in col. 6, lines 23-24, and abstract, the sender processor sends a stream of packets from the sending node to a plurality of destination, receiver nodes];

(b) determining whether a congestion occurs in said network [as disclosed in claim 1 and in col. 5, lines 27-40, the receiver determines that a congestion condition has occurred, thereby sending a feedback information to the sender];

(c) determining a bandwidth capacity of said network [as disclosed in col. 3, lines 56-67 and in claim 1, the receivers return feedback messages to sender if any of the receivers experience congestion while receiving the stream of packets, thus indicating the receiver determines the bandwidth capacity of the network by sending a feedback to the sender having information indicating that the capacity of link has been exceeded in the network];

Wesley discloses in claim 1, lines 44-45 of adjusting the rate of transmission for the stream of packets in response to the feedback information and further discloses in col. 2, lines 8-13 of decreasing the rate of transmission (a predetermined criteria) if the feedback information indicates that some receivers experienced congestion while receiving packets. Wesley explicitly fails to disclose of

(d) adjusting a sender rate at which said source is currently transmitting the data according to a function of the determined bandwidth capacity if no congestion occurs; and,

(e) adjusting said sender rate of said source node according to a second function if congestion occurs.

Gupta discloses in fig. 3 and in col. 11, lines 26-39 that the transmission rate is adjusted according to the feedback data-loss (congestion) responses received, for example, if no/low data-loss (occurs due to no congestion) occurs and an adjustment may be made, to cause the transmission of greater number of packets from a sender to the receiver, this adjustment is based on the determined bandwidth capacity such as monitoring one or more responses from the receivers, see claim 1. Gupta further discloses in col. 11, lines 26-39 that if the packet-loss rate is high (occurs due to congestion), the necessary adjustments need to be made to the transmission rate, so that the packet-loss rate is reduced by reducing the number of packets transmitted being the second function.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Wesley to include the steps of adjusting the sender rate based on the condition of congestion such as packet loss as taught by Gupta in order to achieve optimal data transmission rate and to minimize the failure states associated with an over congested network bandwidth.

Referring to claims 9 and 33, Wesley discloses a machine-readable medium [storage device such as cache 130 in figure 1] having stored thereon data representing sequence of instructions, and the sequences of instructions [as disclosed in col. 3, lines 3-6, data structures and code are typically stored on a computer readable storage medium] which, when executed by a processor [as disclosed in figure 1 and in col. 3, lines 26-35, a sender 102 can be based on any

type of computer system, including, but not limited to , a computer system based on a

microprocessor etc., the cache is coupled to the processor], cause the processor to provide

congestion control in a communications network, the method comprising the steps of:

(a) transmitting a plurality of serial data transmission from a source node to a destination

node[as in claim 1 and in col. 6, lines 23-24, and abstract, the sender processor sends a stream of

packets from the sending node to a plurality of destination, receiver nodes];

(b) monitoring a sending rate at which said source node is currently transmitting data to

said network and a current rate at which said destination node is currently receiving data to

determine whether a congestion state occurs [as disclosed in claim 1 and in col. 5, lines 27-40,

the receiver monitors the sending rate and determines that a congestion condition has occurred,

thereby sending a feedback information to the sender]; and,

Wesley discloses in claim 1, lines 44-45 of adjusting the rate of transmission for the

stream of packets in response to the feedback information and further discloses in col. 2, lines 8-

13 of decreasing the rate of transmission (a predetermined criteria) if the feedback information

indicates that some receivers experienced congestion while receiving packets. Wesley fails to

disclose of: if no congestion state occurs, determining the bandwidth capacity of the network and

increasing the sender rate of the source node according to a first function of the determined

bandwidth capacity and if a congestion state occurs, decreasing the sender rate of the source

node according to a second function.

Gupta discloses in fig. 3 and in col. 11, lines 26-39 that the transmission rate is adjusted

according to the feedback data-loss (congestion) responses received, for example, if no/low data-

loss (occurs due to no congestion) occurs and an adjustment may be made, to cause the

transmission of greater number of packets from a sender to the receiver, this adjustment is based

on the determined bandwidth capacity such as monitoring one or more responses from the

receivers, see claim 1. Gupta further discloses in col. 11, lines 26-39 that if the packet-loss rate

is high (occurs due to congestion), the necessary adjustments need to be made to the transmission

rate, so that the packet-loss rate is reduced by reducing the number of packets transmitted being

the second function.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of

the invention to modify the teachings of Wesley to include the steps of adjusting the sender rate

based on the condition of congestion such as packet loss as taught by Gupta in order to achieve

optimal data transmission rate and to minimize the failure states associated with an over

congested network bandwidth.

Referring to claim 22, Wesley discloses in claim 1 of a system for providing congestion

control [feedback information from receivers, see claim 1, lines 32-35] in a communications

network by adjusting a sender rate between at least one sender node and destination node [as

disclosed in claim 1, col. 6, lines 33-44], comprising:

means for transmitting a plurality of data transmission from said source node to said

destination node [as disclosed in the abstract and in claim 1, the sender transmits a stream of

packets to the plurality of receivers] as discloses ;

means for determining a bandwidth capacity of said network [as disclosed in col. 3, lines

56-67 and in claim 1, the receivers return feedback messages to sender if any of the receivers

experience congestion while receiving the stream of packets, thus indicating the receiver

determines the bandwidth capacity of the network by sending a feedback to the sender having

information indicating that the capacity of link has been exceeded in the network];

means for generating congestion feedback information based on the determined

bandwidth capacity of said network to determine a congestion state [as disclosed in claim 1 and

in col. 3, lines 56-67, the receivers generates a congestion feedback signal based on the

congestion condition (congestion condition inherently occurs based on determined bandwidth

capacity threshold) and sends the feedback message to the sender if there is congestion at any of

the receivers;] and,

means for adjusting said sender rate at which said source node is currently transmitting

the data based on said congestion feedback information, the adjusted rate being a function of the

determined the bandwidth capacity of said network [Wesley discloses in claim 1, lines 44-45 of

adjusting the rate of transmission for the stream of packets in response to the feedback

information and further discloses in col. 2, lines 8-13 of decreasing the rate of transmission (a

predetermined criteria) if the feedback information indicates that some receivers experienced

congestion while receiving packets; (congestion condition inherently occurs based on determined

bandwidth capacity threshold, which results in a feedback signal, which is used to adjust the rate

establishing that rate adjustment is based on determined bandwidth capacity)]. *Wesley fails to*

disclose if no congestion occurs, the adjusting means increase the number of packets transmitted

by the source node at a first rate and at a second rate if a predetermined range of the bandwidth

capacity of the network is utilized. Gupta discloses in col. 11, lines 28-39 wherein, if no

congestion occurs, said adjusting means increase the number of packets transmitted by said

source node at a first rate and at a second rate [adjustments in rates, are continued until an

optimal data transmission rate is achieved] if a predetermined range of the bandwidth capacity of

said network is utilized. Therefore, it would have been obvious to one of ordinary skills in the

art at the time of the invention to modify the teachings of Wesley to include the steps of

adjusting the sender rate based on the condition of congestion such as packet loss as taught by

Gupta in order to achieve optimal data transmission rate and to minimize the failure states

associated with an over congested network bandwidth.

Referring to claim 40, Wesley discloses a congestion controller disposed at a source node

for a network, the source node being configured for currently transmitting the data towards a

destination node at a sender rate that is controlled by the controller [as disclosed in claim 1 and

in col. 6, lines 23-24, and abstract, the sender processor sends a stream of packets from the

sending node to a plurality of destination, receiver nodes; as disclosed in claim 1 and in col. 5,

lines 27-40, the receiver monitors the sending rate and determines that a congestion condition

has occurred, thereby sending a feedback information to the sender and further discloses in claim

1, lines 44-45 of the sender processor adjusting the rate of transmission for the stream of packets

in response to the feedback information and further discloses in col. 2, lines 8-13 of decreasing

the rate of transmission (a predetermined criteria) if the feedback information indicates that some

receivers experienced congestion while receiving packets]. *Wesley explicitly fails to disclose*

that is dictated by a first function of a currently determined bandwidth capacity of the network if

it is determined that no congestion is occurring in the network, the controller being configured

for adjusting a rate for currently transmitting the data toward the destination node according to

a second function if the determination is that congestion is occurring in the network.

Gupta discloses in fig. 3 and in col. 11, lines 26-39 that the transmission rate is adjusted

according to the feedback data-loss (congestion) responses received, for example, if no/low data-

loss (occurs due to no congestion) occurs and an adjustment may be made, to cause the

transmission of greater number of packets from a sender to the receiver, this adjustment is based

on the determined bandwidth capacity such as monitoring one or more responses from the

receivers, see claim 1. Gupta further discloses in col. 11, lines 26-39 that if the packet-loss rate

is high (occurs due to congestion), the necessary adjustments need to be made to the transmission

rate, so that the packet-loss rate is reduced by reducing the number of packets transmitted being

the second function.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of

the invention to modify the teachings of Wesley to include the steps of adjusting the sender rate

based on the condition of congestion such as packet loss as taught by Gupta in order to achieve

optimal data transmission rate and to minimize the failure states associated with an over

congested network bandwidth.

Referring to claims 2 and 27, Gupta discloses in figure 3 and in col. 11, lines 35-39

wherein said adjusting step (d) according to said first function includes increasing the number of

packets transmitted by said source node as claim.

Referring to claims 3, 10 and 28, Gupta discloses in figure 3 and col. 111, lines 28-34

wherein said adjusting step (e) according to said second function includes decreasing the number

of packets transmitted by said source node as claim.

Referring to claim 5 and 30, Gupta disclose in col. 11, lines 26-39 that if the packet-loss

rate is high (occurs due to congestion), the necessary adjustments need to be made to the

transmission rate, so that the packet-loss rate is reduced by reducing the number of packets

transmitted being the second function.

Referring to claims 34, Gupta discloses in figure 3 and in col. 11, lines 28-39 wherein

any adjustment of said sender rate operates to establish a maximum data transmission rate and

constant packet loss.

Referring to claims 8, 14 and 36, Wesley discloses in figure 3 and in col. 4, lines 30-45

wherein said data flow from said source node is simultaneously transmitted to multiple

destination nodes [sender 102 sends a multicast in the form of a stream of packet to receivers],

and said bandwidth capacity is determined for each said data flow transmitted to each of said

multiple destination nodes [in response to the stream of packets, sender 102 receives feedback

information from receivers 111-127. These feedback messages indicate that some of the

receivers are experiencing congestion and the sender may increase or decrease its rate of

transmission] as claim.

Referring to claim 15, Gupta discloses in the abstract and in figure 2 of monitoring

transmission and response rates. Thus, a congestion state occurs [which results in high data loss]

if the rate permitted by said destination (receiver) node exceeds the capacity of said source node.

Referring to claims 16 and 37, Gupta discloses in col. 11, lines 28-39 and abstract

wherein said steps of increasing and decreasing said sender rate above and below an operating

point for said network provide a maximum throughput at minimum delay time.

Referring to claim 21, Wesley discloses in claim 1 and in col. 3, lines 56-67, the receivers

generates a congestion feedback signal based on the monitoring of congestion condition and

sends the feedback message to the sender if there is congestion at any of the receivers. Wesley

fails to disclose a means for monitoring said sending rate at which said source node is currently

transmitting data to said network and a current rate at which said destination node is currently

receiving data to generate said congestion control information. Gupta discloses in figure 2 and in

col. 8, step 230 of monitoring transmission and response rates. Both rates as disclosed are

analyzed to detect lost information packet and to determine an efficient method for their

retransmission. Gupta further discloses in col. 8, lines 65-67, one or more receivers submit data-

loss via control data or feedback responses to the sender. Therefore, it would have been obvious

to one of ordinary skills in the art at the time of the invention to modify the teachings of Wesley

to include monitoring transmission and response rates as taught by Gupta in order to control

traffic bandwidth and provide a proper analysis of transmission rates that enable transmission

rates to be adjusted to reduce packet-loss.

Referring to claim 23, Gupta discloses in col. 11, lines 28-34 wherein adjusting means

decrease the number of packets transmitted by the source node at a predetermined rate if

congestion occurs.

8.   Claims 4, 11, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley

in view of Gupta as applied to claims above, and further in view of Ghanwani et al. (U.S. Patent

No. 6,400,686).

Referring to claims 4, 11 and 29, Wesley in view of Gupta discloses of the adjusting step

(d) according to said first function comprises the steps of. Wesley in view of Gupta fails to

disclose the steps of:

increasing the sender rate non-linearly,

returning said sender rate to a linear rate when a predetermined percentage of said

bandwidth is utilized within said network.

Ghanwani teaches a method and apparatus for network flow control. Ghanwani discloses

in col. 4, lines 5-15 that typically a rate adjustment will be done according to some pre-

determined rate change function such as a exponential, which is non-linear. Ghanwani further

discloses in col. 4, lines 45-50, 62-65 of increasing the sender rate exponentially (non-linearly).

Furthermore, as disclosed in col. 4, lines 1-15, in response to the increase/decrease information,

the sender calculates a new sending time and transmits at the new rate until another response

message is received and eventually the rate adjustment will be done according to a linear rate

change function. *Ghanwani discloses in col. 5, lines 28-52 of increasing and decreasing the*

transmission rate by a specified linear increase formula: r(next)=r(present)+I. Thus, based on

the formula, the sender rate is increased by a specified amount at which the source node is

currently transmitting the data. Therefore, it would have been obvious to modify the teachings

of Wesley in view of Gupta to include the teachings of increasing and decreasing at a specified

rate (formula) in order to modify the rate change based on feedback information returned to the source node while reducing latency.

9.   Claims 6-7, 12-13, 17-18, 24, 31-32, 35, 38 and 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley in view of Gupta as applied to claims above, and further in view of Applicant admitted art on pages 2 and 3.

Referring to claims 6, 12, 24, and 31, Wesley in view of Gupta fails to disclose of the in calculating the second function, calculating the sender rate raised to a power exceed unity. Applicant admitted prior art on page 2-3, equation (3): $fd(x)=Bx^{\wedge}l$ including a second function raised to a power exceed unity. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of Wesley in view of Gupta to include calculating the sender rate raised to a power exceed unity as taught by Applicant Admitted Prior Art in order to keep network load at an optimal capacity by limiting the load on the network by properly adjusting the sending rates.

Referring to claims 7, 13, 32 and 35, Wesley in view of Gupta fails to disclose of the in calculating the first function, calculating the sender rate raised to a power exceed unity. Applicant admitted prior art on page 2-3, equation (3): $fi(x)=ax^{\wedge}-k$ including a second function raised to a power exceed unity. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of Wesley in view of Gupta to include calculating the sender rate raised to a power exceed unity as taught by Applicant Admitted Prior Art in order to keep

network load at an optimal capacity by limiting the load on the network by properly adjusting the

sending rates.

Referring to claim 17 and 38, Wesley in view of Gupta fails to disclose of the decreasing

according to first predetermined criterion sender rate equation as claimed. Applicant admitted

prior art on page 2-3, equation (1), (2) and (3) of the specification can be manipulated to provide

the claimed equation for the decreasing congestion control scheme. Therefore, it would have

been obvious to one of ordinary skills in the art to modify the teachings of Wesley in view of

Gupta to include decrease congestion control scheme equation as taught by Applicant Admitted

Prior Art in order to keep network load at an optimal capacity by limiting the load on the

network by properly adjusting the sending rates.

Referring to claim 18 and 39, Wesley in view of Gupta fails to disclose of the decreasing

according to second predetermined criterion sender rate equation as claimed. Applicant admitted

prior art on page 2-3, equation (1), (2) and (3) of the specification can be manipulated to provide

the claimed equation for the decreasing congestion control scheme. Therefore, it would have

been obvious to one of ordinary skills in the art to modify the teachings of Wesley in view of

Gupta to include decrease congestion control scheme equation as taught by Applicant Admitted

Prior Art in order to keep network load at an optimal capacity by limiting the load on the

network by properly adjusting the sending rates.

Any response to this final action should be faxed to:

(571)272-8300, (for formal communications; please mark "EXPEDITED PROCEDURE)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
August 24, 2005

Ajit Patel
Primary Examiner